

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDGAR AGUILERA ESPINOSA,

Defendant.

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8:03CR564

ORDER

This matter came before the court on the request of defendant Edgar Aguilera Espinosa (Espinosa) to enter a plea of guilty. On July 1, 2005, Espinosa appeared with his counsel, Donald B. Fiedler, and declared he wished to proceed to trial. Espinosa was then arraigned upon the Superseding Indictment and entered a plea of not guilty to all counts. Espinosa requested time to file an additional motion to suppress. The request was granted to the extent Espinosa was given until July 8, 2005, in which to file the motion. To accommodate Espinosa's counsel's schedule, an evidentiary hearing was scheduled on the motion **for 1:30 p.m., July 27, 2005**, before the undersigned magistrate judge. The defendant must be present for the hearing.

The ends of justice have been served by granting such request and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the request, i.e., the time between **July 1, 2005 and July 8, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

**IT IS SO ORDERED.**

DATED this 1st day of July, 2005.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge